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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || RENE R. ROSS.

Plaintiff.

11 | VS.

12 || STATE OF NEVADA,

13 || Defendant.

Case No. 2:06-CV-00331-KJD-(GWF)

ORDER

15 The Court dismissed the Complaint with leave to amend because the only Defendant
16 in this action was immune from suit. Plaintiff has not submitted an amended complaint within the
17 allotted time.

18 Before dismissing the action, the district court is required to weigh several factors:
19 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its
20 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases
21 on their merits and (5) the availability of less drastic sanctions.” Henderson v. Duncan, 779 F.2d
22 1421, 1423 (9th Cir.1986). The Court has already determined that the Complaint failed to state a
23 claim upon which relief can be granted. Because Plaintiff has not amended his Complaint to correct
24 the defects, dismissal of this action is the only possible sanction, and neither the Court nor the
25 public is served well by keeping this action open any longer.

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1 IT IS THEREFORE ORDERED that this action is **DISMISSED** for failure to state a
2 claim upon which relief can be granted. The Clerk of the Court shall enter judgment accordingly.

3 DATED: January 9, 2007

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5 KENT J. DAWSON
6 United States District Judge

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